



28K
Docket No. 1232-5202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Masatake AKAIKE

Group Art 3653

Serial No.: 10/712,204

Examiner: Matthew J. Kohner

Filed: November 12, 2003

For: APPARATUS FOR DISCRIMINATING SHEET MATERIAL

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election Requirement mailed April 18, 2006 in the above-identified application, kindly consider the following election:

ELECTION:

The Examiner required election of one of the following species:

Species 1: Figures 1-2;
Species 2: Figures 3-6; and
Species 3: Figures 7-10.

In response to the Examiner's requirement, Applicant hereby provisionally elects the Species 1, shown in Figures 1-2 which read on at least pending claims 1, 2, 4-15 and 20-22. Further, at least claims 1 and 22 are believed to be generic. Accordingly, Applicant respectfully requests examination of at least **claims 1, 2, 4-15 and 20-22** on the merits. Upon allowance of any generic claim, consideration of the additional species is respectfully requested. This election is made with traverse.

Applicant respectfully submits that for such a requirement to be proper, "[t]here must be a serious burden on the examiner if restriction is not required." MPEP §803. Applicant

respectfully submits that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the restriction/election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-5202.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: 5/17/06

By: _____

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